

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
(CHARLESTON DIVISION)**

David Oppenheimer,	§	CASE NO: 2:19-cv-03590-RMG
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
Michael C. Scarafile, Patricia R. Scarafile,	§	
Sheila Glover Romanosky, and	§	
O’Shaughnessy Real Estate, Inc., d/b/a	§	
Carolina One Real Estate,	§	
	§	
Defendants.	§	
	§	
	§	
	§	

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**JOINT MOTION FOR “RUBIN ORDER” TO DISMISS  
DEFENDANTS DUE TO SETTLEMENT**

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**TO THE HONORABLE UNITED STATES DISTRICT JUDGE:**

Plaintiff David Oppenheimer and Defendants Michael C. Scarafile, Patricia R. Scarafile, Sheila Glover Romanosky, O’Shaughnessy Real Estate, Inc. d/b/a Carolina One Real Estate, and hereby jointly move this Court to issue a “Rubin Order” dismissing Defendants Michael C. Scarafile, Patricia R. Scarafile, Sheila Glover Romanosky, O’Shaughnessy Real Estate Inc. d/b/a Carolina One Real Estate, from the present lawsuit on the grounds that Plaintiff and said Defendants have reached a settlement agreement in principal and seek time to consummate it. See Fed. Rule Civ. Pro. 60(b)(6); *Fairfax Countywide Citizens v Fairfax County*, 571 F.2d 1299 (4<sup>th</sup> Cir. 1978).

Plaintiff and all Defendants hereby seek dismissal of Defendants and all claims against them. At present, Plaintiff’s claims are the only ones against Defendants in the case. None of the

other defendants or any third parties have filed suit or made a claim against Michael C. Scarafile, Patricia R. Scarafile, Sheila Glover Romanosky, O'Shaughnessy Real Estate Inc.. d/b/a Carolina One Real Estate in relation to this lawsuit; and Defendants have filed no counter-claims, cross-claims or third party claims.

Plaintiff and Defendants Michael C. Scarafile, Patricia R. Scarafile, Sheila Glover Romanosky, O'Shaughnessy Real Estate Inc. d/b/a Carolina One Real Estate further request that, if neither of them has petitioned the Court to reinstate the claims against said Defendants within sixty (60) days, or to enforce the settlement, then the dismissal hereunder shall be *with prejudice*.

Respectfully submitted:

ALLEN LEGAL

By: s/Samuel K. Allen  
Samuel K. Allen  
Federal ID No.: 7744  
Eric S. Brock  
Federal ID No. 7546  
1417 Ashley River Road  
Charleston, SC 29407  
(843) 481.4000  
(843) 620.1134 fax  
[sam@allenlegal.net](mailto:sam@allenlegal.net)  
[eric@allenlegal.net](mailto:eric@allenlegal.net) and  
[joann@allenlegal.net](mailto:joann@allenlegal.net)

DEJUNE LAW FIRM  
Dana A. LeJune  
Texas Bar: 12188250  
NC Bar: 49025  
2401 Fountainview, Suite 312  
PMB 2361  
Houston, Texas 77057-4808  
713.942.9898 Phone  
713.942.9899 Facsimile  
[dlejune@triallawyers.net](mailto:dlejune@triallawyers.net)  
*Pro Hac Vice Counsel for Plaintiff*

NORTH CAROLINA OFFICE:  
7 Orchard Street  
Suite 200  
Asheville, NC 28801

828-774-5800 Office

Attorneys for Plaintiff

Thrive IP

By: s/Jeremy M. Stipkala

Jeremy M. Stipkala

Fed ID 10479

Stipkala & Klosowski d/b/a Thrive IP

5401 Netherby Lane, Suite 1201

North Charleston, SC 29420

Telephone: 843-580-9057

Fax: 866-747-2595

[Jeremy.Stipkala@Thrive-IP.com](mailto:Jeremy.Stipkala@Thrive-IP.com)

January 26, 2023  
Charleston, South Carolina